

FILE COPY

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**PROPOSED STATE HIGHWAY ACCESS CONNECTION
NOTICE OF INTENT TO ISSUE PERMIT
THIS IS NOT A PERMIT**

See Page 2 -Conditions that must be met before permit will be issued

Important: This Notice does not authorize construction to begin and is not a final permit.

ALSO NOTE: THIS NOTICE OF INTENT IS ONLY VALID FOR 1 YEAR FROM SIGNING DATE IN PART 6.

PART 1: APPLICATION INFORMATION

APPLICATION NUMBER: 2008-A-798-1

Project Name: Equus Sand Mine

State Road Name/Number: 45 (US 41)

Section Number: 14010, M.P. 15.900 RT

Maintenance Office: Randell E. Prescott, P.E., Brooksville Area Maintenance Engineer

Permit Staff Representative

Applicant: Equus Reserve, LLC

(Responsible Officer): Andrew G. Irick, II

Mailing Address: 3870 Tampa Rd., Suite E

Oldsmar

FL

34677

Street

City

State

Zip

Telephone: 727-439-4447

PART 2: NOTICE OF INTENT TO ISSUE PERMIT

YOU ARE HEREBY ADVISED:

The Florida Department of Transportation has completed its review of the subject connection permit Application received 01/02/2008 for consistency with Rule Chapter 14-96, Rule Chapter 14-97, and current Department spacing, location and design criteria and hereby issues this "Notice of Intent" to:

☐ Issue the subject permit consistent with the permit Application.

☒ Issue the subject permit consistent with the permit Application and subject to the attached provisions.

IMPORTANT

This notice of intent to issue a permit does NOT constitute Department permit issuance. The permit will be issued after the permittee shows proof that a valid local government development approval or development order has been given to the sites served by the connection and special provisions of the approval consistent with the permit applications and conditions previously noted.

No connection work on the right of way shall be initiated until the Department permit is actually issued. Any changes to the site(s) plan will require re-evaluation of the connection(s). This notice is valid for one year, from the date of issuance, and can only be extended with approval by the Department for problems outside the control of the applicant pursuant to Rule Chapter 14-96, F.A.C. This Notice of Intent is transferable as specified only in Rule Chapter 14-96, F.A.C.

PART 3: CONDITIONS

Conditions that must be met before permit will be issued:

Standard:

1. Comply with *Florida Administrative Code (FAC) Chapter 14-96 and 14-97*. This FDOT review is deemed accurate and reliable but is not intended to be inclusive of all plan errors and omissions. This review does not relieve plan preparation, design and construction in conformance with FDOT standards, specifications and FAC codes.
2. Comply with the FDOT drainage requirements and *FAC Chapter 14-86*. Respond to District 7 Drainage comments and correct plans as required.
3. Comply with Traffic Operations and Roadway Design comments when received and correct the plans as required. Comments will be forwarded when received by this office.
4. Submit copies of site plan approval from the appropriate local government consistent with this *Notice of Intent to Permit*.
5. Submit copies of notification letters sent to all known utility right of way users affected by the connection(s).
6. Submit copies of the *Southwest Florida Water Management District (SWFWMD)* approval letter and *Florida Department of Environmental Protection (DEP)* Generic Permit for Stormwater erosion control.
7. Submit a Utility Permit if needed for utility work within the FDOT right of way.
8. Submit acknowledgement that contractor's liability insurance (see FAC 14-96.007(5)(c)(6) and 48 hour start construction notification is required before construction starts. No construction or other access to this project via the FDOT right of way is allowed until a Permit is issued.
9. Submit assurance of performance pursuant to Florida Statutes Section 334.187 (see FAC 14.96.008(3)). Submit a performance bond and Security Instrument (FDOT form 850-040-20) and engineer's estimated cost of improvements. The Engineer's Cost Estimate must be signed and sealed for cost of improvements.
10. Submit written responses to all of these Standard and Special comments, corrections and additions to the application and plans. Reference Permit Application numbers in reply AND reference Sheet numbers where changes/corrections can be found.

Special:

1. Any other use except for dirt hauling/excavation operation is prohibited and will require a separate permit application package.
2. There is an FDOT Resurfacing project on US 41 scheduled to begin in 2008 (FM project 411334-1) in the area of this project. The applicant must obtain written concurrence from the FDOT Project Manager, Kelli Peters (Ph.813-975-6085) that the plans for the connection are compatible with the State Road project. The applicant is responsible for additional design and construction costs for inclusion in the FDOT project. The applicant is also responsible for coordination with the FDOT Construction Project Manager and contractor for construction inclusion OR the construction of the proposed connection cannot begin until the FDOT project is completed and "Final" accepted.
3. Re-align location of proposed driveway to eliminate offset of the Lago Verde Sand Mine entrance on the west side of US 41. The current configuration has the potential to create conflicting left turns to both drives.
4. Sheet 2, General Note 8; correct Index number for MES, it should be 273.
5. Sheet 2; verify cross slope of existing US 41 shown as 4%+/-, should this be 2%? Revise as necessary
6. Sheet 2; FC-3 is an obsolete asphalt mix, revise pavement design and use mix that closely matches existing FC mixes (FC 9.5?) per Flexible Pavement Design Manual. Coordinate asphalt design to match the pavement design of resurfacing project (FM project 411334-1).
7. Sheet 2; revise "seed and mulch" note to "sod all disturbed areas within FDOT R/W".
8. Sheet 2 and all other sheets as applicable; the Plans Preparation Manual (PPM), using high volume, states that the total shoulder width (at 6%) should be 12' with 5' paved. Revise all sheets as necessary to reflect this and show the new-to-existing shoulder pavement width transition (per Design Standards 526 (sheet 4 of 8)).
9. Sheet 2; the typical section for STA. 114+00 to STA. 122+00 does not reflect widening for the new left decel lane. Revise as necessary to correct this.
10. All sheets where shown; centered widening is required. The plans submitted appear to show right side widening. Revise all sheets to reflect centered widening.
11. Sheets 4 and 5; please show the control radius for the design vehicle using this driveway.
12. Sheets 6 and 7; label slope ratios and percentages for all the sections shown.
13. Erosion control (silt fence) in conformance with Design Standards Index (DSI) 102 must be shown for the left roadway within the limits of the widening. Right roadway silt fence, as shown is satisfactory.
14. Provide a longitudinal (north/south) cross section of the proposed access connection, it must include 6 feet wide, 6% grade unpaved connection shoulders with 1v:4h side slopes (See DSI 515 for reference).
15. Horizontal clearance to the headwall near STA. 115+25+/- must be located minimum 30' from the travel lane (Plans Preparation Manual (PPM)). It is currently shown at 18'+/-.
16. Milling and overlay of all lanes on US 41 within the project limits will be required. The paving on this project should be coordinated with the Lago Verde project. Add a note to the plans regarding this.
17. All sheets where shown; Show a smooth radii tie in of the mainline paved (and unpaved) shoulders to the driveway shoulders not choppy and abrupt as shown.
18. The plans must show or note Soil Tracking Prevention Device in conformance with *FDOT Design Standards Index 106*. Add note to plans "ALL MATERIALS SPILLED, DROPPED OR TRACKED ON FDOT R/W (INCLUDING STPD AGGREGATE) SHALL BE REMOVED DAILY OR MORE FREQUENTLY IF SO DIRECTED BY THE FDOT ENGINEER".
19. Sheet 5; stationary, post mounted "TRUCKS ENTERING HIGHWAY" signs for both northbound and southbound sides of US 41 must

Continued on Page 3

- be shown. These signs will be required for the duration the access connection is in operation for the sand mine.
20. 6'/10' yellow skip crossover markings must be shown for the left turn lane in front of the connection.
 21. Label 2-2/4' white skip lines for clearance distance of right decel lane and 6'/10' skip for the left turn lane (230' for posted 60MPH design speed). Show 1st Arrow beginning 15' after end of Clearance Skip, with 2 more, evenly spaced (total 3 for each turn lane). Eliminate symbols from bike lane markings, only striping is used for undesignated bike lanes.
 22. Show/label 1- 2'4' white skip in front of the connection for crossover markings to transition bike lane back into paved shoulder, where there isn't a bike lane (See *DSI 17346* for reference)
 23. The plans must include all of the stipulated FDOT geometric design elements and requirements. Additional FDOT comments may be required after the engineer's resubmits plan revisions.

PART 4: NOTICE OF DEPARTMENT AUTHORITY

1. All approved connection(s) and turning movements are subject to the Department's continuing authority to modify such connection(s) or turning movements in order to protect safety and traffic operations on the state highway or State Highway System.

2. **Transportation Control Features and Devices in the State Right of Way.** Transportation control features and devices in the Department's right of way, including, but not limited to, traffic signals, medians, median openings, or any other transportation control features or devices in the state right of way, are operational and safety characteristics of the State Highway and are not means of access. The Department may install, remove, or modify any present or future transportation control feature or devices in the state right of way to make changes to promote safety in the right of way or efficient traffic operations on the highway.

PART 5: DEPARTMENT CONTACT

NAME: John Kilkenny, Permit and Contract Engineer, Brooksville

ADDRESS: 16411 Spring Hill Drive

Brooksville, FL 34604

PHONE: 352-797-5700

PART 6: SIGNATURE OF DEPARTMENT AUTHORITY

SIGNATURE OF DEPARTMENT OFFICIAL: 

PRINT OR TYPE NAME: Randell E. Prescott, P.E.

PRINT OR TYPE POSITION: Area Maintenance Engineer

DATE: 2-20-2008

PHONE: 352-797-5700

PART 7: APPEAL PROCEDURES

You may petition for an administrative hearing pursuant to sections 120.569 and 120.57, Florida Statutes. If you dispute the facts stated in the foregoing Notice of Intended Department Action (hereinafter Notice), you may petition for a formal administrative hearing pursuant to section 120.57(1), Florida Statutes. If you agree with the facts stated in the Notice, you may petition for an informal administrative hearing pursuant to section 120.57(2), Florida Statutes. You must file the petition with:

Clerk of Agency Proceedings
Department of Transportation
Haydon Burns Building
605 Suwannee Street, M.S. 58
Tallahassee, Florida 32399-0458

The petition for an administrative hearing must conform to the requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code, and be filed with the Clerk of Agency Proceedings by 5:00 p.m. no later than 21 days after you received the Notice. The petition must include a copy of the Notice, be legible, on 8 1/2 by 11 inch white paper, and contain:

1. Your name, address, telephone number, any Department of Transportation identifying number on the Notice, if known, the name and identification number of each agency affected, if known, and the name, address, and telephone number of your representative, if any, which shall be the address for service purposes during the course of the proceeding.
2. An explanation of how your substantial interests will be affected by the action described in the Notice;
3. A statement of when and how you received the Notice;
4. A statement of all disputed issues of material fact. If there are none, you must so indicate;
5. A concise statement of the ultimate facts alleged, including the specific facts you contend warrant reversal or modification of the agency's proposed action, as well as an explanation of how the alleged facts relate to the specific rules and statutes you contend require reversal or modification of the agency's proposed action;
6. A statement of the relief sought, stating precisely the desired action you wish the agency to take in respect to the agency's proposed action.

If there are disputed issues of material fact a formal hearing will be held, where you may present evidence and argument on all issues involved and conduct cross-examination. If there are no disputed issues of material fact an informal hearing will be held, where you may present evidence or a written statement for consideration by the Department.

Mediation, pursuant to section 120.573, Florida Statutes, may be available if agreed to by all parties, and on such terms as may be agreed upon by all parties. The right to an administrative hearing is not affected when mediation does not result in a settlement.

Your petition for an administrative hearing shall be dismissed if it is not in substantial compliance with the above requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code. If you fail to timely file your petition in accordance with the above requirements, you will have waived your right to have the intended action reviewed pursuant to chapter 120, Florida Statutes, and the action set forth in the Notice shall be conclusive and final.

End

Copy to: Randall E. Prescott, P. E., Area Maintenance Engineer

D7 Access Management Engineer

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The following FDOT General Notes must be shown on the plans:

All work performed in the Department's right of way shall be done in accordance with the most current editions of:

- a) *F.D.O.T. Standard Specifications for Road and Bridge Construction.*
- b) *F.D.O.T. Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System.*
- c) *F.D.O.T. Roadway Plans Preparation Manual Volume I, Chapter 2 and/or 25.*
- d) *F.D.O.T. Flexible Pavement Design Manual for New Construction and Pavement Rehabilitation.*

- 1) All areas in the FDOT right of way disturbed during construction shall be restored, compacted, sodded and watered in conformance with the FDOT *Standard Specifications for Road and Bridge Construction, Section 575 and 981* and *Design Standards Index 105*.
- 2) Daytime work only. The F.D.O.T. engineer must approve night work and lane closures at least 48 hours in advance. The applicant must notify the Florida Department of Transportation Local Maintenance Office 48 hours in advance of starting any proposed work. Call: Brooksville Maintenance, John Kilkenny @ 352 797-5700.
- 3) All traffic stripes and pavement markings are to be lead-free, non-solvent based thermoplastic. The permittee shall furnish the Department with the manufacturer's certification that the thermoplastic is "LEAD FREE". Removal of existing striping shall be done by milling and resurfacing of the friction/surface course to obliterate obsolete pavement markings.
- 4) All proposed traffic signs and pavement markings shall be in conformance with and constructed to the FDOT *Design Standards Index series 11000 and 17000 series*. The property owner must maintain the traffic signs and markings for the driveway.
- 5) The FDOT requires documentation for successful completion of an approved Work Zone Traffic Control training course for the agency, utility or contractor employee(s) installing and/or maintaining the approved Maintenance of Traffic plan. Documentation is to be furnished to the Department at the pre-construction meeting or before occupying state right-of-way.
- 6) Maintenance of traffic plan for work zones shall be in conformance with all applicable indices of the *FDOT Design Standards Index 600 series* according to the type of roadway and type of work being performed.
- 7) ****Sidewalk shall be constructed per FDOT Index 304 and 310. Detectable warning strips, a.k.a. truncated domes, for District Seven Construction and Maintenance should be either inset ceramic tiles or thermoplastic detectable warning strips. These warning surfaces shall only be provided by the following vendors/manufacturers.**
 - a) Inline Truncated Dome EZ Tile supplied by Professional Pavement Products
 - b) Topmark supplied by Flint Trading
 - c) Vanguard Truncated Dome supplied by Vanguard
- 8) ****Maintenance of Traffic plan must include FDOT Design Standards Index 660 Pedestrian Control for Closure of Sidewalks.**

****For facilities with public sidewalk within FDOT right of way, include notes #7 and #8**